

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

AMRO FARID

vs.

23-cv-426-SM

TRUSTEES OF DARTMOUTH COLLEGE

DEPOSITION BY ZOOM OF KENNETH LOPARO, a witness
called on behalf of the Plaintiff, pursuant to the
Rules of Civil Procedure, before Karen D. Pomeroy,
Registered Diplomate Reporter and Licensed Court
Reporter (No. 71) in and for the State of New
Hampshire, [REDACTED]

[REDACTED] commencing at 10:00
a.m.

1 APPEARANCES:

2 JOSEPH L. SULMAN, ESQUIRE

3 Law Office of Joseph L. Sulman

4 255 Bear Hill Road, Suite 204

5 Waltham, Massachusetts 02451

6 For the Plaintiff

8
9 PIERRE CHABOT, ESQUIRE

10 Devine Millimet

11 111 Amherst Street

12 Manchester, New Hampshire 03101

13 For the Defendant

14
15
16 Also Present: Amro Farid

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1 STIPULATIONS

2 It is stipulated by and between counsel for
3 the respective parties that the deposition
4 transcript is to be read and signed by the
5 deponent under the pains and penalties of
6 perjury; and that the sealing and filing thereof
7 are waived; and that all objections, except as to
8 form, and motions to strike are reserved until
9 the time of trial; and that the witness may be
10 sworn remotely.

11 * * *

12 KENNETH LOPARO,

13 having been duly remotely sworn by the
14 reporter, was deposed and testified as
15 follows:

16 EXAMINATION

17 BY MR. SULMAN:

18 Q. Good morning, sir.

19 A. Good morning.

20 Q. Can you please state your name for the record.

21 A. You're going to have to speak more clearly, Joe.

22 I have a hearing problem, and you're coming
23 in garbled; so try to speak more clearly if you
24 can.

1 Q. Can you please state your name for the record.

2 A. Yes. Kenneth, middle name is Alan, Loparo,
3 L-o-p-a-r-o.

4 Q. Sir, where are you located today?

5 A. I can't understand you. What did you say?

6 Q. Where are you located today?

7 A. [REDACTED]

8 [REDACTED]
9 Q. Okay. Are you at your office?

10 A. I'm at home.

11 Q. At home. Okay. And do you have any documents
12 that you'll be looking at today in front of
13 you?

14 A. I'm sorry? Do I have any documents? No.

15 Q. Do you have any documents in front of you that
16 you'll be looking at?

17 A. No.

18 Q. Okay. Do you have any documents on the computer
19 that you'll be looking at in front of you?

20 A. No.

21 Q. Okay. Great. Have you ever had your deposition
22 taken before?

23 A. I have.

24 Q. Okay. When was the last time?

1 A. I believe so.

2 Q. Okay. Under Section B, it says -- I'm going to
3 begin with the first -- the No. 1.

4 It says In conducting the investigation, the
5 investigation committee shall.

6 A. Yeah.

7 Q. Interview each respondent, complainant, and any
8 other available person who's been reasonably
9 identified as having information regarding any
10 relevant aspect of the investigation, including
11 witnesses identified by the respondent, and
12 maintain detailed records.

13 A. I see it.

14 Q. Did I read that correctly?

15 A. I believe you did.

16 Q. Okay. What persons did the committee interview
17 during its investigation process of Mr. Hegde's
18 allegations?

19 A. I couldn't understand your question.

20 Q. What persons did the committee interview during
21 its investigation process concerning Mr. Hegde's
22 allegations?

23 A. We interviewed Prabhat.

24 Q. Anyone else?

1 A. And we tried to interview Professor Farid.

2 Q. Did you try to interview anyone else?

3 A. Well, we asked, several times, to have an
4 interview, which that policy says we're entitled
5 to.

6 Q. My question is did you try to interview anyone
7 else?

8 A. No, not that I'm aware of.

9 Q. Can you turn to -- or can you scroll down to
10 Subsection D that says Investigation Report.

11 A. Okay.

12 Q. Are you there?

13 A. I'm there.

14 Q. Okay. This says -- this section is about the
15 investigation report; correct?

16 A. Hold on. Go ahead. Say that again.

17 Q. This section is about the investigation report;
18 correct?

19 A. Yes.

20 Q. Okay. In the second sentence, it says In
21 addition, the investigation report shall provide
22 for each separate allegation of research
23 misconduct identified during an investigation a
24 finding as to whether research misconduct did or

1 first draft of the report, was that in a meeting
2 or over email; if you recall?

3 A. I don't remember.

4 Q. Okay. Did you understand what would be contained
5 in that first draft of the report?

6 A. No, because we didn't go forward with a first
7 draft; so there was no discussion about format,
8 content, nothing; so we -- the committee made
9 the -- the committee made the decision to
10 disband.

11 Q. And you -- sorry. Go on.

12 A. Including myself.

13 Q. When you say including yourself, what --
14 including -- what do you mean including yourself?

15 A. Myself, Andrew, and Prasad all resigned.

16 Q. You all resigned?

17 A. Yes.

18 Q. Okay. When did you resign from the committee?

19 A. I don't know. Sometime in -- I don't know.

20 You have the -- I don't remember the exact
21 dates, but it was probably Spring -- sometime
22 around Spring of 2024.

23 Q. Why did you resign from the committee?

24 A. It came to our attention that there was a lawsuit

1 that had been filed against Dartmouth by
2 Professor Farid that we were completely unaware
3 of, and we decided at that point that, based on
4 the voluminous document that he provided that
5 we've already discussed and the fact that we
6 became -- we were made aware of this additional
7 suit, we said, okay, we're done.

8 Q. And what -- what about the lawsuit made you want
9 to resign?

10 A. I can tell you from my own perspective.

11 Q. I don't want you to talk for anyone else. I want
12 you to tell me why you resigned.

13 A. Right. So in policies at Case Western Reserve
14 University when there are issues between a
15 faculty member and a student or a faculty member
16 and another faculty member or a faculty member
17 and the administration, these are internal
18 processes, which is what I viewed we had.

19 The minute outside counsel gets engaged,
20 these processes immediately stop, and now it
21 becomes something that faculty -- you know,
22 that -- you know, I did not want to be engaged
23 with, and so -- and I think Andrew felt the same
24 way and so did Prasad.

1 Q. When you say outside -- the minute outside --
2 what was the word you used?

3 A. Outside counsel.

4 Q. You mean -- counsel; you mean like lawyers?

5 A. Yes.

6 Q. Okay. Are you referring to people like me and
7 Attorney Chabot?

8 A. I'm talking about lawyers, yes.

9 Q. Okay.

10 A. Because it's an internal process, and it's meant
11 to be an internal process.

12 Q. Okay. And did you inform Dartmouth that you
13 wanted to resign?

14 A. Yes. We all three resigned.

15 Q. Okay. And did -- does Dartmouth accept your
16 resignation?

17 A. They did.

18 Q. At some point, did you become involved again in
19 the committee?

20 A. Yeah, they asked me. They came back and they
21 said would you be willing -- as a good academic
22 citizen, would you be willing to help.

23 I said I don't feel that comfortable about
24 what's going on, and they said don't worry; it's

1 okay, these are separate issues. I said I
2 understand that. And they said that's okay.

3 I said, well, all right. If you can
4 reconstitute a committee and you can get me
5 re-engaged and I feel comfortable with a
6 reconstituted committee, as a good citizen, I'm
7 willing to help out.

8 Q. And who contacted you on behalf of Dartmouth?

9 A. My conversations have only been with Henrike.

10 I don't deal with anybody else except Henrike
11 and of course Andrew and Prasad.

12 Q. And how long after you resigned did Ms. Frowein
13 contact you about rejoining?

14 A. Maybe it was a month or two. I don't remember
15 the exact time period.

16 Q. And --

17 A. It's all in the records.

18 Q. Well, not actually all in the records, but that's
19 okay.

20 Considering you felt so strongly about
21 wanting to resign, how come you rejoined so
22 quickly?

23 MR. CHABOT: Object to the form.

24 You can answer.

1 A. What do you mean "quickly"?

2 BY MR. SULMAN:

3 Q. Under two months seems pretty quick to me, but --

4 A. Henrike -- I'm sorry.

5 MR. CHABOT: I'm objecting to the form.

6 You can go ahead. I'm sorry.

7 A. Okay. Henrike got back to me and said that would
8 I be willing to help, and I said, well, I'll make
9 that decision after I understand what the next
10 committee that's constituted looks like and
11 issues that I have how -- you know, in particular
12 with respect to how this very voluminous document
13 would be meticulously reviewed so that all of the
14 facts that were contained in there would be
15 available in a form that I could easily review
16 and understand because I'm not spending hours and
17 hours and days and days to go through that
18 document. That's -- you know, I've got a life.

19 And so if you can reconstitute a committee
20 and you can guarantee me that things will be done
21 in a way that the facts will ultimately be what
22 drives the conclusion, then I can help you.

23 Q. Okay. And so -- okay. Was this a conversation
24 over the phone?

1 A. This was a conversation, I believe so.

2 Q. Okay. Do you recall anything else that you said
3 to her or she said to you in this conversation?

4 A. No. She said she really appreciated that I would
5 even consider because I was pretty clear when we
6 disbanded -- we all three were, and -- you know,
7 there were -- so I said okay. I'll be willing to
8 help to try to close this out and come to a
9 reasonable conclusion for both Prabhat and
10 Professor Farid.

11 Q. Okay. And so is it fair to say at the end of
12 this conversation, was there any -- strike that.

13 At the end of this conversation, was any
14 decision made?

15 A. I told you that until she reconstituted a
16 committee and I had an opportunity to meet with
17 those people and we came to an understanding as
18 to how the process needed to continue going
19 forward in order that I would even be willing to
20 engage, I would not commit.

21 Q. Okay. So is the answer no, at the end of the
22 meeting there was no decision made?

23 A. No, I just -- I agreed to meet with whoever would
24 be on the committee going forward and, after that

1 meeting and a discussion and my understanding of
2 how the process would go forward, I would then
3 make a decision.

4 Q. Okay. What was the next step in your process
5 that led to your rejoining this committee?
6 Whether it was a meeting or conversation or what
7 have you.

8 A. She introduced me to Mark Barnes.

9 Q. And how -- how long was that after your
10 conversation with Director Frowein?

11 A. Yes.

12 Q. No. How long after?

13 A. Oh, I don't know.

14 Q. Okay. And how were you introduced to
15 Mark Barnes? Was it over a Zoom? In person?
16 How?

17 A. She introduced us through email, and then --

18 Q. Do you recall --

19 MR. CHABOT: Joe, he was still talking I
20 think.

21 THE WITNESS: Pardon?

22 MR. CHABOT: Were you still trying to answer?

23 THE WITNESS: I was.

24 MR. CHABOT: Okay. Let him finish.

1 A. She introduced us through email, and then Mark
2 and I had a private Zoom meeting between the two
3 of us.

4 BY MR. SULMAN:

5 Q. Okay. On that email, do you recall if anyone
6 else was on that email besides you, Mark Barnes,
7 and Director Frowein?

8 A. I don't know.

9 Q. Do you recall was any attorney on that email?

10 A. I don't think so. I don't know. I don't know.

11 Q. Was any --

12 A. All I know --

13 Q. Was any general counsel?

14 A. All I know was an introduction to Mark Barnes.

15 MR. SULMAN: Well, we don't have any emails
16 from Mark Barnes you produced; so

17 MR. CHABOT: Yeah, Joe, I disagree with you.

18 I've seen them. I've seen them with Bates
19 numbers. I don't know what to tell you.

20 BY MR. SULMAN:

21 Q. And what did you understand Mark Barnes' role to
22 be on the committee?

23 A. Pardon me?

24 Q. What did you understand Mark Barnes's role to be

1 on the committee?

2 A. He was a committee member.

3 Q. Did you know Mark Barnes before this?

4 A. Nope.

5 Q. Were you familiar with Mark Barnes' work?

6 A. I had no idea who he was. I had never met him
7 and never heard of him. I knew nothing.

8 Q. Can you describe the nature of your work with
9 Mark Barnes on the --

10 A. I'm sorry?

11 Q. Can you describe the nature of your work with
12 Mark Barnes on the investigation.

13 A. We were the same as committee members in the
14 original investigation.

15 We were just both committee members. That's
16 it.

17 Q. No, I understand that. But what was the -- what
18 work did you do together on the investigation?

19 MR. CHABOT: Object to the form.

20 You can answer.

21 A. We reviewed material, discussed what we felt, and
22 came to a conclusion.

23 BY MR. SULMAN:

24 Q. How many meetings did you have with Mark Barnes?

1 A. Yes.

2 Q. The first full paragraph on page 3 starts On
3 July 11th, 2023, Dartmouth's external litigation
4 counsel responded to Professor Farid's
5 objections -- strike that. I'm sorry.

6 A. Okay.

7 Q. I wanted to strike that.

8 A. Pardon me?

9 Q. I'm -- ignore that.

10 A. Ignore that?

11 Q. Yes.

12 MR. CHABOT: Yes.

13 THE WITNESS: Okay.

14 BY MR. SULMAN:

15 Q. Would you turn to page 3, please.

16 A. I'm on page 3.

17 Q. Okay. The second half of the page it says In
18 early June 2024, two committee members,
19 Drs. Jayanti and Campbell, resigned from the
20 committee.

21 Do you see that?

22 A. I do.

23 Q. You also resigned from the committee initially;
24 correct?

1 A. I did, but then I joined, right.

2 Q. But you also resigned initially; correct?

3 A. I did.

4 Q. Then it says the resignation related to three key
5 events, and the third one is -- says instead of
6 agreeing to appear before the committee to
7 discuss allegations, Professor Farid sent a
8 311-page document to the committee without
9 explaining what the documentation was or how it
10 related to the proceeding.

11 Do you see that?

12 A. I do.

13 Q. Okay. And you believe that Professor Farid did
14 not explain what the -- what his submission was
15 or how it related to the proceeding?

16 MR. CHABOT: Object to the form.

17 You can answer.

18 A. I think I told you earlier that it was impossible
19 to digest and that that statement there is simply
20 just what the committee felt at that time.

21 BY MR. SULMAN:

22 Q. In -- during the investigation, when did the
23 committee provide Professor Farid with access to
24 the Overleaf repository controlled by